Department of Transportation Olympia, Washington 98504

April 14, 2004

ATTENTION: All Bidders and Planholders

SR 548
NORTHSTAR RD VIC & KICKERVILLE RR XING
CULVERT REPLACEMENTS
State Project

Addendum No. 1

The Special Provisions for this project are amended as follows:

1. On page 94, the supplement to Section 1-07.5(2) is revised to read as follows:

The Contracting Agency has obtained a Hydraulic Project Approval (HPA) for this project and the Contractor shall comply with all provisions of this approval. All contacts with the Department of Fish And Wildlife concerning this approval shall be through the Engineer. The provisions of the approval are as follows:

The provisions of the HPA are listed in Appendix B

This Hydraulic Project Approval is not a permit for work in material sources or disposal sites not provided in the contract.

Work within the areas covered by this Hydraulic Project Approval shall be performed between the dates of *** June 15 and September 30, 2004 ***.

2. On page 103, under Lane, Ramp, and Roadway Closures, the following is added:

The Contractor will be permitted one continuous closure of SR 548 during the installation of Structures DT2-1 and DT3-1. The closure shall not begin prior to 6:00 AM Monday, and must be removed by 5:00 PM Friday. The Contractor shall not close SR 548 on Saturdays, Sundays, or holidays.

3. Appendix B is added to the project

Bidders shall furnish the Secretary of Transportation with evidence of the receipt of this addendum. This addendum will be incorporated in the contract when awarded and when formally executed.

Harold Peterfeso, P.E. State Design Engineer

Attachment:

Page 1 through page 6 of Appendix B



RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

RECEIVED

State of Washington Department of Fish and Wildlife **Habitat Program** 600 Capitol Way North, MS 3155 Olympia, Washington 98501-1091

DATE OF ISSUE: March 31, 2004

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LOG NUMBER: ST-G0340-01

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PERMITTEE

Washington State Dept. of Transportation ATTENTION: Benjamin Brown

P.O. Box 330310, MS138

Seattle, WA 98133-9710

(206) 440-4528

AUTHORIZED AGENT OR CONTRACTOR

Washington State Dept. of Transportation ATTENTION: Angela Freudenstein

P.O. Box 330310

Seattle, WA 98133-9710

(206) 440-4525

PROJECT DESCRIPTION: Replace Two Culverts on SR 548 over Fingalson Creek

Replace permanent fixed fresh water buried below bed manmade steel culvert water crossing structure culvert trash rack no 101 to 200 feet with manmade steel culvert water

crossing structure culvert trash rack no 101 to 200 feet

PROJECT LOCATION:

MP 3.75 and MP 3.8 on Grandview Road (SR 548) just east of intersection with North

Star Road, Ferndale, Whatcom County

Latitude: N 48.89199; Longitude: W 122.67054

WRIA WATER BODY

TRIBUTARY TO

1/4 SEC. SEC. TOWNSHIP RANGE

COUNTY

01 01.0097 Fingalson Creek

Terrell Creek

03 39 North 01 East

Whatcom

NOTE:

This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

PROVISIONS

- 1. TIMING LIMITATIONS: The project may begin June 15 and shall be completed by September 30, 2004.
- 2. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below of the project start date. Notification shall be received by the AHB at least three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this Hydraulic Project Approval.
- 3. Work shall be accomplished per plans and specifications entitled, SR 548 Northstar Rd. Vic. & Kickerville RR Xing Culvert Replacements - Drainage Profiles, dated March 2, 2004, and SR 548 Kickerville RR Crossing Culvert Replacement Vicinity Map, dated February 3, 2003, and SR 548 Northstar/Kickerville RR Crossing Culvert Replacement - Roadside Restoration, Sheets 19 through 21, dated January 6, 2004, and submitted to the Washington Department of Fish and Wildlife, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

Washington Department of FISH and WILDLIFE

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington Department of Fish and Wildlife Habitat Program 600 Capitol Way North, MS 3155 Olympia, Washington 98501-1091

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FISH REMOVAL AND EXCLUSION

- 4. Fish shall be excluded from the project sites by the installation of block nets upstream and downstream of the project site. Prior to the initiation of construction activities, the permittee shall capture and safely move food fish, game fish, and other fish life from the project site. The permittee shall have fish capture and transportation equipment ready and on the project site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request the Washington Department of Fish and Wildlife assist in capturing and safely moving fish life from the project site to free-flowing water, and assistance may be granted if personnel are available.
- 5. Upon project completion, all fish exclusion materials shall be completely removed from the project site.

BYPASS

- 6. A temporary bypass to divert flow around the work area shall be in place prior to initiation of other work in the wetted perimeter.
- 7. A sandbag revetment or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.
- 8. A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.
- 9. The bypass shall be of sufficient size to pass all flows and debris for the duration of the project.
- 10. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.
- 11. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject or improved conditions.
- 12. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.55.040 and 77.16.220. The pump intake shall be screened with 1/8-inch mesh to prevent fish from entering the system. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment to juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

CULVERT REPLACEMENTS

- 13. The culverts shall be installed and maintained to ensure unimpeded fish passage.
- 14. The culvert width at the streambed shall be equal to or greater than the average width of the streambed.
- 15. The culverts shall be installed to maintain structural integrity to the 100-year peak flow with consideration of the debris likely to be encountered.

Westington Department of FISH and WILDLIFE

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- 16. Fill associated with the culvert installations shall be protected from erosion to the 100-year peak flow.
- 17. The culverts shall be installed and maintained to avoid inlet scouring and to prevent erosion of stream banks downstream of the project.
- 18. Rock used to armor the culvert inlets and outlets shall be the absolute minimum necessary to protect the culvert. Under no circumstance shall the stream banks become armored as a result of this project.
- 19. The culvert facility shall be maintained by the owner(s) per RCW 77.55.060 to ensure continued, unimpeded fish passage. If the structure becomes a hindrance to fish passage, the owner(s) shall be responsible for obtaining an Hydraulic Project Approval and providing prompt repair. Financial responsibility for maintenance and repairs shall be that of the owner(s).
- 20. The culverts shall be replaced in the dry or in isolation from the stream flow by the installation of a bypass flume or culverts, or by pumping the stream flow around the work area.
- 21. The culvert at SR 548 MP 3.75 shall not exceed 131 feet in total length, and shall be placed on a slope not to exceed 0.93%.
- 22. The culvert at SR 548 MP 3.80 shall not exceed 101 feet in total length, and shall be placed on a slope not to exceed 0.48%.
- 23. Both of the culverts shall be countersunk 30 inches.
- 24. The culverts shall be round culverts and have a minimum diameter of 84 inches.
- 25. Streambed materials shall be placed inside the culverts following installation and prior to the release of water to the project site. Streambed materials shall be graded to the specifications stated in the Summary Form for Fish-Passage Design Data, dated February 18, 2004, and submitted to WDFW.
- 26. The culverts shall consist of single barrels.

EQUIPMENT

- 27. Approach material shall be structurally stable and be composed of material that, if eroded into the stream, shall not be detrimental to fish life.
- 28. Equipment used for this project shall operate stationed on the existing road grade and the stream banks above the ordinary high water line.
- 29. Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line.
- 30. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and



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undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream. Refueling of equipment shall not occur within 100 feet of the stream.

31. Equipment crossings of the stream are not authorized by this HPA.

VEGETATION

- 32. Disturbance of the streambed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected streambed and bank areas outside the culvert and associated fill shall be restored to preproject configuration following installation of the culvert. Within seven calender days of project completion, all disturbed areas shall be protected from erosion using native vegetation or other means. Within one year of project completion, the banks shall be revegetated with native or other approved woody species as indicated in the plans entitled, SR 548 Northstar/Kickerville RR Crossing Culvert Replacement - Roadside Restoration, dated January 6, 2004. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.
- 33. Existing native shoreline vegetation shall not be removed or disturbed.

WATER QUALITY

- 34. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), operations shall cease and the Washington Department of Fish and Wildlife at (360) 466-4345, ext. 272, and Washington Department of Ecology at (360) 676-2217, shall be contacted immediately. Work shall not resume until further approval is given by the Washington Department of Fish and Wildlife.
- 35. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter the stream.
- 36. Prior to starting work, erosion control materials shall be installed to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas. Accumulated sediments shall be removed during the project and prior to removing the check dam(s) after completion of work. Upon project completion, all temporary erosion control materials shall be completely removed from the project site and deposited above the limits of flood water in an approved upland disposal site.
- 37. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the stream.
- 38. All waste material, such as trash, construction debris, silt, excess dirt, or overburden resulting from this project, shall be deposited above the limits of flood water in an approved upland disposal site.
- 39. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

HYDRAULIC PROJECT APPROVAL RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

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40. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sedimentsladen water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.

SEPA: DNS by WSDOT final on October 16, 2003.

APPLICATION ACCEPTED: March 10, 2004

ENFORCEMENT OFFICER: Heinck [P2]

Julie Klacan (360)466-4345 x272

Area Habitat Biologist

Jaki Bless

for Director **WDFW**

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:



RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

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A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two-Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

OF THIS ADDENDUM.	
ADDENDUM #:	
RECEIVED BY:	_ DATE:
COMPANY:	
ALL PROPOSAL HOLDERS PLEASE SIGN AND RETURN THIS PAGE BY RETURN FAX AT 360-705-6810.	

NOTE: COMPANY NAME MUST BE FILLED IN TO CERTIFY ACKNOWLEDGEMENT

NOTE!! SUBCONTRACTORS, MATERIALS SUPPLIERS AND PLANCENTERS NEED NOT ACKNOWLEDGE THIS ADDENDUM.

ALL PRIME CONTRACTORS MUST ACKNOWLEDGE THIS ADDENDUM. $04\-A012$

NORTHSTAR RD VIC & KICKERVILLE RR XING CULVERT REPLACEMENTS